



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 14-050	Contact	John Kelley, jkelley@duluthmn.gov	
Application Type	Vacation of Street Easement	Planning Commission Date	May 13, 2014	
Deadline for Action	Application Date	April 15, 2014	60 Days	N/A
	Date Extension Letter Mailed	April 24, 2014	120 Days	N/A
Location of Subject	Northeast corner of Curtis Street and 119th Avenue West			
Applicant	Wisconsin Central Ltd.	Contact		
Agent	Linda Armbruster	Contact	linda.armbruster@cn.ca	
Legal Description	Balkan Division of Duluth			
Site Visit Date	April 24, 2014	Sign Notice Date	April 30, 2014	
Neighbor Letter Date	April 24, 2014	Number of Letters Sent	11	

Proposal

Applicant is proposing a partial vacation of unimproved platted streets in the Balkan Division of Duluth Plat. The street is 33-feet in width and includes portions of Curtis Street and 119th Avenue West located in the northeast corner of the plat. The area to be vacated is approximately 8,425 square feet of right-of-way.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1(Rural Residential1)	Utility/rail line	Rural Residential/Preservation
North	RR-1(Rural Residential1)	Utility/rail line	Rural Residential/Preservation
South	RR-1(Rural Residential1)	Utility/vacant Land	Rural Residential/Preservation
East	RR-1(Rural Residential1)	Utility/rail line	Rural Residential/Preservation
West	RR-1(Rural Residential1)	Vacant land/residential	Rural Residential/Preservation

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements require a Planning commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

Code requirements are found in UDC Section 50-37.6. The Planning Commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

- 1) Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #1: Reuse previously developed lands.

Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with attendant alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets, utilities, and transit, fire and police services.

Governing Principle #3 - Support traditional economic base. Identified industries includes port operations, transportation services, manufacturing, bulk commodity handling, and related support services. Locational considerations include docks, shipping channels, railroad rights-of-way, Interstate highway and airport.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

1) Applicant is proposing a partial vacation of unimproved platted streets, which includes portions of Curtis Street and 119th Avenue West. The platted street portion is 33-feet in width and is inclusive of approximately 8,425 square feet of right-of-way.

3) The applicant owns an active railroad line east of the proposed vacated area. Land use in the area consists of residential, vacant land, utility and railroad purposes. Signed petitions consenting to the vacation of the right-of-way from abutting property owners have been received and verified. If the vacation request is granted by the City, the applicant intends to use the area for expansion to the existing railroad activity north and east of the proposed vacated area.

4) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way.

5) To the best of City staff's knowledge, there are no current public or private utilities in the public right of way.

6) Staff believe this right of way is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city (as long as an easement is maintained); the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

7) No comments from the public. City engineering did not have a concern with this vacation.

8) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval to vacate the Street easement with the following condition:

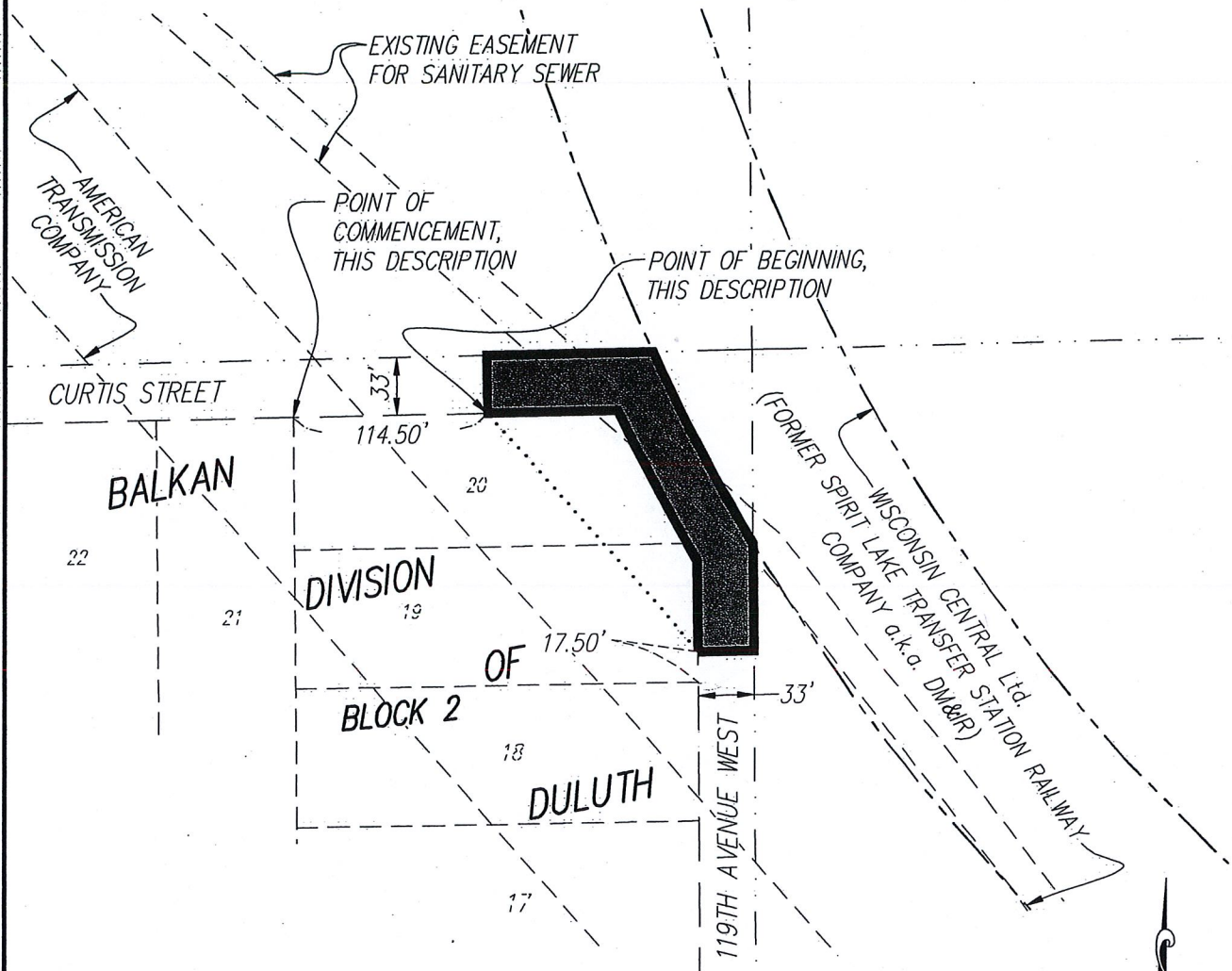
1) Vacation goes into effect after being recorded at the County Recorder's office. Applicant will work with Duluth City Clerk's office if needed to assist in the recording process.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

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VACATION EXHIBIT

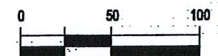
BALKAN DIVISION OF DULUTH



LEGAL DESCRIPTION:

All those parts of Curtis Street and 119th Avenue West, BALKAN DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota appurtenant to Lots Nineteen (19) and Twenty (20), Block Two (2), lying northeasterly of the following described line:

Commencing at the Northwest Corner of said Lot Twenty (20), Block Two (2), BALKAN DIVISION OF DULUTH; thence easterly along the northerly line thereof, a distance of 114.50 feet to the Point of Beginning of the line to be described; thence southeasterly to a point 17.50 feet northerly of the southeast corner of Lot 19 of said Block 2 as measured along the east line of said Lot 19 and said line there terminating.



(SCALE IN FEET)

Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Print Name: Paul A. Vogel

License # 44075

Signature: [Signature]

Date: 3/12/2014

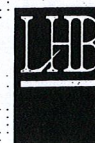
DATE REVISED: 3/12/14

DATE PREPARED: 3/5/14

PROJ NO: 140017

FILE: 140017vSurv.

SHEET 1 of 1 SHEETS



**PERFORMANCE
DRIVEN DESIGN.**

LHBcorp.com

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FILE: J:\140017\600 Drawings\Survey\140017vSurv.dwg

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City Planning
 Vacation CN Curtis
 PL 14-050
 Zoning Map

Legend



Zoning-SDE

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

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Prepared by: City of Duluth Planning Division, January 10, 2013. Source: City of Duluth.

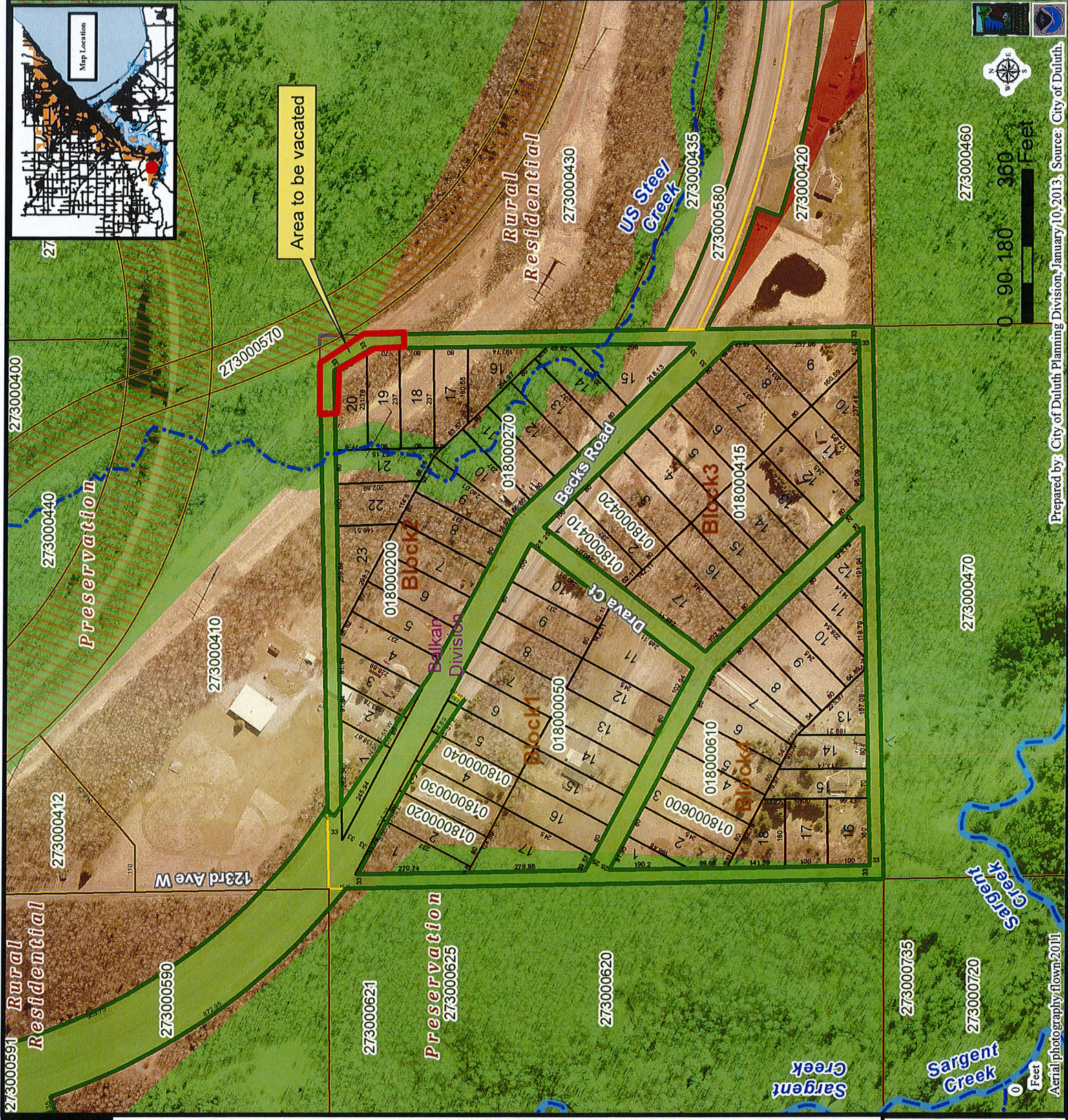
Legend

Future Land Use

	Preservation
	Recreation
	Rural Residential
	Low-density Neighborhood
	Traditional Neighborhood
	Urban Residential
	Neighborhood Commercial
	Neighborhood Mixed Use
	General Mixed Use
	Central Business Secondary
	Central Business Primary
	Auto Oriented Commercial
	Large-scale Commercial
	Business Park
	Tourism/Entertainment District
	Medical District
	Institutional
	Commercial Waterfront
	Industrial Waterfront
	Light Industrial
	General Industrial
	Transportation and Utilities

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PL 14-050

Print Date: 05/06/2014
Image Date: 05/12/2013
Level: Neighborhood

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PL 14-050

Print Date: 05/06/2014
Image Date: 05/12/2013
Level: Neighborhood

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